

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

KAY SWITZER,

Plaintiff

v.

WAL-MART STORES EAST, L.P.,

Defendant

CIVIL ACTION – LAW

JUDGE: _____

NO.: _____

NOTICE OF REMOVAL

NOW COMES the Defendant to this matter, WAL-MART STORES EAST, L.P., through counsel, Thomas, Thomas and Hafer, LLP, and hereby files this Notice of Removal based upon the following:

1. The above-described action was commenced by the Plaintiff's filing a Complaint against Defendant on January 7, 2019, in the Court of Common Pleas for Columbia County, Pennsylvania. (A true and correct copy of the Complaint is attached hereto and incorporated by reference herein as Exhibit "A".)

2. Defendant was served with the Complaint on January 16, 2019.

3. Plaintiff is a resident of Columbia County, PA. See, Ex. A.

4. Wal-Mart Stores East, L.P., is a foreign limited partnership formed in Delaware with a principal place of business in Bentonville, AR. See, Ex. A.

5. The Partners of Wal-Mart Stores East, L.P., are WSE Management, LLC (general partner), and WSE Investment, LLC (limited partner). Both are

Delaware limited liability companies with principal places of business in Arkansas. The sole member of WSE Management, LLC, and WSE Investment, LLC, is Wal-Mart Stores East, LLC, an Arkansas limited liability company with a principal place of business in Bentonville, Arkansas. The sole shareholder of Wal-Mart Stores East, LLC, is Walmart, Inc. (formerly known as Wal-Mart Stores, Inc.), a Delaware corporation with a principal place of business in Arkansas. Accordingly, no partner or controlling entity of Defendant, Wal-Mart Stores East, L.P., is a citizen of or has a principal place of business in the Commonwealth of Pennsylvania.

6. The amount in controversy in the underlying action is believed to exceed \$75,000, exclusive of interest and costs.

7. This Court has jurisdiction over this matter pursuant to 28 U.S.C.A. §1332, and the case is removed to this Court pursuant to 28 U.S.C.A. §1441(b).

8. This Notice is filed timely under 28 U.S.C.A. §1446(b), in that less than 30 days have passed since Defendant was served with a copy of the initial pleading setting forth the Plaintiff's claim for relief.

9. Written notice of filing of this Notice of Removal shall be given to all parties as required by 28 U.S.C.A. §1446(b).

10. A true and correct copy of this Notice of Removal is being filed with the Prothonotary in the Court of Common Pleas of Columbia County, Pennsylvania, as required by 28 U.S.C.A. §1446(d).

WHEREFORE, Defendant, WAL-MART STORES EAST, L.P., respectfully requests that this action be removed to the United States District Court for the Middle District of Pennsylvania.

Respectfully submitted,
THOMAS, THOMAS & HAFFER, LLP

BY: *Ryan C. Blazure*

RYAN C. BLAZURE, ESQUIRE

PA Atty. ID No.: 84034

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Counsel for Defendant

CERTIFICATE OF SERVICE

I, RYAN C. BLAZURE, ESQUIRE, hereby certify that on the 24th day of January 2019, I sent a true and correct copy of Defendant's Notice of Removal by the United States Mail, postage prepaid, to:

Brandon A. Swartz, Esquire
Maria McGinty-Ferris, Esquire
Swartz Culleton, PC
547 E. Washington Avenue
Newtown, PA 18940

Respectfully submitted,
THOMAS, THOMAS & HAFFER, LLP

BY: *Ryan C. Blazure*

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PA Atty. ID No.: 84034
JOSEPH J. SHIELDS, ESQUIRE
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Attorneys for Defendant

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